

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: BARRY PORTNOY Debtor.	Case No. 14-16081-mdc Chapter 7 Honorable Magdeline D. Coleman
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ORDER

AND NOW, this 31st day of October, 2017 after a hearing held on October 24, 2017 at 1:00 p.m. as to any disputes over privilege objections lodged by the Portnoy Debtor to the production and use of any of the documents on the external Hard Drive, as defined in my Order dated September 20, 2017 at Docket 489 (the "September 20, 2017 Order") in this matter it is hereby ORDERED as follows:

1. Counsel for Barry Portnoy (the "Debtor") shall provide on or before November 10, 2017 at 5:00 p.m. a privilege log as required by F.R.C.P. 26(b)(5) and 45 as to items on the Hard Drive to counsel to the Trustee of Barry Portnoy (the "Portnoy Trustee"), counsel to Bonnie Finkel, Chapter 7 Trustee of the estate of Demrex Industrial Services, Inc. (the "Demrex Trustee") and counsel to First Republic Bank dba Republic Bank ("Republic Bank").

2. Any objections by the Portnoy Trustee, the Demrex Trustee or Republic Bank to the privilege log and to the Debtor's assertions of privilege shall be filed by November 20, 2017 at 5:00 p.m.

3. On or before November 1, 2017, counsel to the Portnoy Trustee shall provide to counsel to the Debtor, Republic Bank and to the Demrex Trustee a list of the file extensions of file types on the Hard Drive which the Portnoy Trustee and/or his professionals are able to access on the Hard Drive.


4. Should the Demrex Trustee and/or her professionals have access to additional computer programs that allows access to information contained on the Hard Drive beyond those file extensions listed by counsel to the Portnoy Trustee pursuant to ¶ 3 hereof, counsel to the Demrex Trustee shall inform counsel to the Portnoy Trustee, Republic Bank and the Debtor of this fact. Nothing herein shall preclude the Demrex Trustee and/or her professionals from reviewing these additional documents that may have been accessed.

5. The Court reserves any and all issues as to sanctions that may be imposed because of the failure of any party to comply with the September 20, 2017 Order including any issue as to whether the Debtor has waived the privilege regarding any and all documents contained on the Hard Drive, and/or reimbursement to the Demrex Trustee of fees and costs incurred by the Demrex Trustee as a result of any failure to comply with the September 20, 2017 Order.

6. A hearing shall be held on November 29, 2017 at 1:00 p.m. at the United States Bankruptcy Court, 900 Market Street, Courtroom No. 2, Philadelphia, Pennsylvania 19107, as to any disputes over privilege objections lodged by the Debtor to the production and use of any of the documents on the Hard Drive, the imposition of sanctions as referenced in ¶ 5 hereof and on the status of the Motion of Bonnie B. Finkel, Esq., Chapter 7 Trustee for the Estate of Demrex Industrial Services, Inc. for Leave to File Proof of Claim as Timely.

7. This Order shall be effective immediately upon its entry.

BY THE COURT:


Magdelaine D. Coleman
U.S. Bankruptcy Judge